

SIMMONS JANNACE DeLUCA, LLP

ATTORNEYS AT LAW

43 CORPORATE DRIVE

HAUPPAUGE, NEW YORK 11788-2048

(631) 873-4888

FAX (631) 873-4889

Counsel

Susan B. Jannace

Ross M. Chinitz^

Kevin P. Simmons

Steven D. Jannace

Sal F. DeLuca^

Allison C. Leibowitz

Stacey Ramis Nigro

Michael C. Lamendola*

Mary C. Azzaretto

Daniel P. Borbet

Irina Feferman*

Ian E. Hannon

Robert J. Molinari

Aric H. Peymann

Merle Schrager

*Also Admitted NJ

^Also Admitted CT

August 12, 2021

VIA ECF

Judge Robert W. Lehrburger

Southern District of New York

500 Pearl Street-Courtroom 18D

New York, New York 10007

Re: Antolini v. 110 Thompson St. Owners Corp., et al.,
Case No.: 1:19-cv-10567

Dear Honorable Lehrburger:

We represent Third-party Defendant Perry Thompson Third, LLC. This letter is in response to plaintiff's letter of August 11, 2021, that informs this Honorable Court that a new business is purportedly now operating at the subject premises. If the Court recalls, on or about September 28, 2020, a Report and Recommendation was issued recommending, *inter alia*, that Tenant Defendants' Motion to Dismiss the Federal ADA claim is moot and should be dismissed, as the Tenant has permanently closed the restaurant and is not otherwise occupying the premises. No objections to the Report and Recommendations have been filed by the parties.

Plaintiff's counsel has now notified this Court, without any factual basis identified therein, that a business is currently operating at the subject premises. We have consulted with our client and have been told that there is no new business operating at the premises. Accordingly, this Court's Report & Recommendation finding the Federal ADA claim moot, is not affected. Therefore, the claims against the Tenant Defendant, and accordingly, the Third-Party Defendant, should be dismissed.

Very truly yours,

SIMMONS JANNACE DELUCA, LLP

s/ Stacey Ramis Nigro

Stacey Ramis Nigro

SRN/yq

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Via NYSCEF
ccs: Ward Law, LLC
Finkelstein Law Group PLLC
Braverman & Greenspan P.C.

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